

MINUTES

**TENNESSEE SOLID WASTE DISPOSAL CONTROL
BOARD MEETING
GATLINBURG CONVENTION CENTER
ROOMS 9 AND 10
GATLINBURG, TENNESSEE**

APRIL 30, 2002

Board Members Present:

Mr. Wilton Burnett
Ms. Janet Evans
Dr. Dennis George
Mr. J. P. Newman, Chairman
Mr. Ken Pointer
Mr. Robert Waddell
Mr. Bob Whetsel
Mr. Glenn Youngblood

Board Members Absent:

Mr. Truman Clark
Mr. Sizwe Herring
Mr. Joe Mahan

Chairman Newman called the meeting to order at 9:06 a.m. After noting that a quorum was present, he welcomed the Board members and guests.

I. SOLID WASTE DISPOSAL CONTROL BOARD MATTERS

A. Approval of Minutes from the February 5, 2002 Board Meeting

Chairman Newman asked if the Board members had reviewed the Draft Minutes from the February 5, 2002 Board Meeting. A **motion** was made by Dr. George and **seconded** by Mr. Pointer, **to approve the Minutes from the February 5, 2002 Board Meeting as presented. The motion carried unanimously by voice vote.**

II. GENERAL BUSINESS/STAFF REPORTS

A. Quarterly Report on Hazardous Waste Permitting (October 1, 2001 to March 31, 2002)

Ms. Jamie Burroughs, in the Treatment, Storage and Disposal Section of the Division of Solid Waste Management, reported on the Hazardous Waste Permitting activities for October 1, 2002 to March 31, 2002.

III. REGULATORY MATTERS

A. Proposal to Delist D. M. Steward Manufacturing, Chattanooga, (#33-599/Hamilton County) from the List of Inactive Hazardous Substances Sites

Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the D. M. Steward Manufacturing Site. He stated that a public hearing was held on

March 20, 2002 in Chattanooga, Tennessee to receive comments from the public. Several persons attended the meeting, however, no formal comments were received. The D. M. Steward site is proposed for removal from the List of Inactive Hazardous Substances sites because the site has been thoroughly investigated and the wastes have been stabilized and capped to prevent direct contact and minimize the potential for groundwater contamination. Also, there is no longer a threat to human health or the environment from the site and there are no longer any outstanding cost recovery issues.

After review and discussion by the Board, a **motion** was made by Mr. Burnett and **seconded** by Mr. Pointer, to **Delete D. M. Steward Manufacturing Chattanooga Site (#33-599/Hamilton County) from the List of Inactive Hazardous Substance Sites**. There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

Burnett	Yes	Clark	Absent
Evans	Yes	George	Yes
Herring	Absent	Mahan	Absent
Newman	Yes	Pointer	Yes
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

B. Proposal to List Gaines Manufacturing Co. Site, McKenzie, (#09-504/Carroll County) to the List of Inactive Hazardous Substances Sites

Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the Gaines Manufacturing Co. Site. He stated that a public hearing was held on March 19, 2002 at the McKenzie City Hall in McKenzie, Tennessee to

receive comments from the public regarding this rulemaking. Several persons attended the meeting, however, no formal comments were received. The Gaines Manufacturing site is proposed for listing because the site is no longer active; hazardous substances are present; and the site may pose a threat to public health and the environment.

After review and discussion by the Board, a **motion** was made by Dr. George and **seconded** by Mr. Youngblood, to **Add Gaines Manufacturing Co. Site (#09-504/Carroll County) to the List of Inactive Hazardous Substance Sites**. There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

Burnett	Yes	Clark	Absent
Evans	Yes	George	Yes
Herring	Absent	Mahan	Absent
Newman	Yes	Pointer	Yes
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

C. **Adoption Request of Solid Waste Regulations Revision “o” (Facility Inspection Fee Increase)**

Mr. Glenn Birdwell, with the Solid Waste Program provided Board members an overview regarding the adoption request for 1200-1-7-.07(5), Facility Inspection Fees. He stated that rule amendment was introduced at the February 5, 2002 Board Meeting which at that the Division requested approval to hold a public hearing. This was granted and the public hearing was held on April 17, 2002. The amendment was published in the Tennessee Administrative Register dated March 15, 2002. There were no attendees but one written comment was submitted. This comment was reviewed and was distributed to the Board members.

The COMMENT was as follows:

1. COMMENT – Rule 1200-1-7-.07(5): An important phrase was omitted in the proposed change specifically (“or thereafter”) and needs to be added back in after the new date of “July 1, 2002.” Without the wording specified above, the fee would only be assessed once in the year July 1, 2002.

RESPONSE: The Division agrees with this comment and proposes the amendment to read:

- (5) Facility Inspection Fee – Any person who has a municipal solid waste disposal facility permit or incinerator permit that received waste on July 1, 2002, or thereafter, is assessed a facility inspection fee of \$0.20 on each ton of municipal solid waste received. This fee shall be calculated in the same manner and paid at the same time as the surcharge in rule 1200-1-7-.08.

After review and discussion by the Board, a **motion** was made by Dr. George and **seconded** by Ms. Evans, to **Adopt the Request of Solid Waste Regulations, Revision “o” (Facility Inspection Fee Increase)**. There was no further discussion, and the **motion carried unanimously by a roll call vote. The vote was as follows:**

Burnett	Yes	Clark	Absent
Evans	Yes	George	Yes
Herring	Absent	Mahan	Absent
Newman	Yes	Pointer	Yes
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

IV. GENERAL BUSINESS

Mr. Garey Mabry, Manager of the Hazardous Waste Management Program distributed copies of eight handouts/information regarding budget information and fees for the Division of Solid and Hazardous Waste. Mr. Mabry provided summaries of Hazardous Waste Management Program Expenditures for this Fiscal Year 2001-2002 and what is required for Fiscal Year 2002-2003. This information included what is needed for salaries and benefits, operating expenses and departmental services. He provided information on 2001-2002 EPF dollars and discussed the EPF Statute Analysis for 2002-2003 fees.

Mr. Jerry Ingram, Manager, Program Development Section for the Division of Solid Waste Management's (DSWM) Hazardous Waste Program made a presentation to the Board regarding rule changes on fees and projected revenues. He stated that the Notice of Rulemaking Hearing is scheduled for June 18, 2002 in the 17th Floor Conference Room, L&C Tower, 401 Church Street, Nashville, Tennessee at 1:00 p.m. CDT. He provided the board members with a DRAFT handout on the Notice of Rulemaking Hearing. He gave an overview of the proposed amendments. He stated that after the public hearing there would be a two-week comment period, which will end on July 2, 2002.

Mr. Ingram made a request to the Board to consider rescheduling the August meeting to July 9, 2002, in order that the Division could bring a final package before the board for adoption consideration in a timely manner.

If everything goes well, then the package would be filed with the Secretary of State's office within the first week of August 2002. Then there is a 75-day waiting period. This means the package would not become effective until middle of October 2002.

The Board decided to change the June board meeting to July 9, 2002. A **motion** was by Dr. George and **seconded** by Mr. Whetsel.

Mr. Apple commented on three issues as following:

- 1 The Division received an excellent annual review from EPA this year;
2. There is a sinkhole that is full of waste in Knoxville that has been receiving a lot of publicity the last couple of months; and.
3. Legislation on landfills has been hot and heavy impacting sites across Tennessee as legislators place amendments on the original bills.

There was no further business by the Board or staff, a Motion was made by Dr. George and seconded by Mr. Youngblood to Adjourn at 10:20 a.m. on Tuesday, April 30, 2002.

SUBMITTED BY:

Mike Apple, Technical Secretary

Date

APPROVED BY:

J.P. Newman, Chairman
Solid Waste Disposal Control Board

Date